

Appl. No. 09/918,331  
Amdt. Dated May 17, 2005  
Reply to Office action of February 17, 2005  
Attorney Docket No. P14425-US2  
EUS/J/P/05-3112

### **REMARKS/ARGUMENTS**

#### **Claim Amendments**

The Applicant has amended claims 3-16, claims 30-57 have been added and claims 1-2 have been canceled. Applicant respectfully submits no new matter has been added. Accordingly, claims 3-57 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

#### **Examiner Objections - Claims**

Claims 3-13, 20, 21 and 23 were objected to as to being dependent upon a rejected base claim, but were indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicant has amended claim 3, containing allowable limitations, to include the limitations of the base claim and intervening claims as suggested in paragraph 8 of the Detailed Action. Claims 20, 21 and 23 depend indirectly from allowed claim 16.

Applicant notes that newly added Claims 30-57 were not added for any reason related to patentability, but rather to capture the scope to which the Applicant is entitled.

#### **Claim Rejections – 35 U.S.C. § 112**

Claims 18, 19, 22 and 24-27 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter as the invention. These claims were rejected for insufficient antecedent basis regarding the "step" designations in claim 16. Claim 16 was amended to include the "step" letter designations missing in claim 16 and the Applicant respectfully submits that the amendment to claim 16 provides the proper antecedent basis for rejected claims 18, 19, 22 and 24-27.

#### **Claim Rejections – 35 U.S.C. § 102(e)**

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Menon, et al. (US 6,496,694 hereinafter Menon). In order to expedite allowance of this

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application, the Applicant has canceled claims 1-2 without prejudice. The Applicant has incorporated the limitations of claims 1 and 2 into claim 3 as suggested by the Examiner. The Applicant also amended claims 3-15 in order to more clearly define the intended scope of the claimed invention.

The Menon reference appears to disclose the use of an intelligent base station in a wireless local loop that connects both mobile stations and wired customer premises to the PSTN via a wireless A-interface without benefit of a Base Station Controller. Essentially, Menon discloses a method for providing communication services to both residential and commercial customers by replacing the customary landlines from the local office to the customer with a fixed wireless base station arrangement.

The Applicant's invention discloses a method for providing balanced congestion control in the SCCP protocol layer. The SCCP protocol layer has a connectionless service and a connection-oriented service and the traffic and type of resources needed for each one is different. Network management procedures are identified and applied on a "per connectionless" and "per connection-oriented" basis simultaneously via the SCCP. The Applicant's invention provides measurement of congestion for both the connectionless and connection-oriented traffic. Users can be informed of the remote SCCP congestion indicating which of the SCCP services are affected by a reported congestion level.

#### **Claim Rejections – 35 U.S.C. § 103 (a)**

Claims 14 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Menon in view of Chen, et al. (US 2002/0136233 hereinafter Chen). The Applicant respectfully traverses the rejection of these claims.

Claims 14 and 15 depend from amended independent claim 3, which contains allowable limitations and claims 14 and 15 recite further limitations to claim 3. Neither Menon nor Chen teach or suggest the allowable limitations of claim 3. The Applicant respectfully requests the withdrawal of the rejection of these claims.

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**Allowable Subject Matter**

The Applicant gratefully acknowledges the allowance of claims 16, 17, 28 and 29.

The Applicant notes with appreciation the conditional allowance of claims 3-13, 20, 21 and 23. As the Examiner has suggested, claim 3 has been rewritten in independent form including all limitation of the base claim and any intervening claims.


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### CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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